GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS - PR and RD Department – Allegation of not giving proper information in CC No.942/2022 in WP No.1717/2022 – Legal complications – Disciplinary proceedings initiated against **Sri P.V. Subba Rao, Divisional Accounts Officer Grade-II, O/o. the Executive Engineer, PRI, Markapur, Prakasam District** duly placing under suspension and framing charges under Rule 24 read with Rule 20 of APCS (CC&A) Rules, 1991 – Reinstated into service - Charge not held proved in the inquiry report of Chief Engineer, PR, QA&QC – Further action dropped and suspension period w.e.f 19.06.2022 to 11.01.2023 regularized as duty under FR 54 (B)(3) – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.Rt.No.343 **Dated: 03.05.2024.**

Read the following:-

1. Orders of Hon'ble High Court of AP, dated: 25.01.2022 in WP No. 1717/2022 filed by Sri Putchanuthala Gopinath, R/o. Prakasam District.
2. G.O.Rt.No. 482, PR&RD (Vig. II) Department, dt: 16.06.2022.
3. G.O.Rt.No. 483, PR&RD (Vig. II) Department, dt: 16.06.2022
4. G.O.Rt.No. 485, PR&RD (Vig. II) Department, dt: 16.06.2022
5. From Sri P.V. Subba Rao, DAO Grade-II (u/s), WSD dt:27.06.2022.
6. G.O.Rt.No.885, PR&RD (Vig. II) Dept., Dt:02.11.2022
7. From the ENC,PR, Letter No.Vig. III (1)/1644/2022, dt: 04.11.2022.
8. G.O.Rt.No. 970, PR&RD (Vig. II) Dept., dt: 26.12.2022.
9. From Sri K. Amarnath Reddy, CE, PR, QA & QC and Inquiry Officer, Letter No. CE/VQC/640/PKM/2023, dated: 13.12.2023.
10. Govt. Memo NO. 1758184/Vig. II/2022-4, PR&RD (Vig. II) Dept. dt: 16.02.2024
11. From the ENC,PR, Letter No Vig. III (1)/1644/2022, dt: 26.03.2023.
12. Orders dt: 12.10.2023 of the Hon'ble Division Bench of High Court of AP in Writ Appeal No. 724/2021 and Batch filed by the Government.

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ORDER:-

In the reference 1st read above, the Hon'ble High Court of A.P while disposing the WP No. 1717/2022 filed by Sri Putchanuthala Gopinath, R/o. Prakasam District, have directed the respondents to release the total principal amount Rs.16,31,690/- within a period of

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four (4) weeks to the petitioner. The petitioner has filed CC No. 942/2022 before the Hon'ble High Court of A.P for not implementing the above orders by the respondents. The 1st respondent i.e., the Principal Secretary to Government, PR&RD. Department has filed counter in CC No.942/2022 and review petition filed by Deputy Executive Engineer, PRI, Markapur making plea that since the quality control inspection conducted on 03.06.2020 have identified the recovery of Rs.13,86,603/- and hence payments were withheld. The counter and review petition were filed on the basis of information given by the Executive Engineer, PRI, Markapur and Divisional Accounts Officer, O/o.EE, PRI, Markapur, which was signed by Sri P.V. Subba Rao, DAO Grade-II, O/o. EE, PRI, Markapur. At the time of hearing of the case in the Hon'ble High Court of AP, an additional fact brought to the notice that on the same works another Quality Control inspection was done on 13.07.2019 and the same was also informed to Deputy Executive Engineer / Executive Engineer, PRI, Markapur and Superintending Engineer, PR, Ongole. Since the information was not brought to the notice of the Principal Secretary to Government, PR&RD. Department, the same could not be included in the counter. Further the review petition filed by the Deputy Executive Engineer, PRI, Markapur in WP No. 1717/2022 also does not brought to the notice of the Hon'ble High Court of AP. This has caused huge embarrassment to the Government and invited adverse comments from the Hon'ble High Court of AP.

2. Accordingly, in the reference 2nd read above, Government placed Sri P.V. Subba Rao, Divisional Accounts Officer Grade-II, O/o. the Executive Engineer, PRI, Markapur, Prakasam District under suspension pending initiation of disciplinary proceedings in the matter. Simultaneously, in the references 3rd and 4th read above, common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 have been initiated against Sri P.V. Subba Rao, Divisional Accounts Officer Grade II and two others; duly framing article of charge under Rule 20 of above said Rules **for the above lapses against him** respectively with a direction to submit his written statement of defense.

3. In the reference 5th read above, the charged officer Sri P.V. Subba Rao, Divisional Accounts Officer, Grade-II (u/s) has submitted his written statement of defense denying the charges. After examining the same, Government vide reference 6th read above have appointed the Chief Engineer, PR, Vig. & QC, Vijayawada as inquiry officer under Rule 20 (2) of APCS (CC&A) Rules, 1991 to conduct inquiry into the charges framed against Sri P.V. Subba Rao, DAO Grade-II (u/s) and against two other co-charged officers viz, Sri Y. Ramesh Babu, Executive Engineer (PR) and Sri K. Adinarayana, Deputy Executive Engineer, PRI, Markapur in the matter.

4. Government, based on the remarks of the Engineer-in-Chief, Panchayat Raj, A.P., received in the reference 7th read above, have

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revoked the suspension of Sri P.V. Subba Rao, Divisional Accounts Officer Grade-II under Rule 8 (5)(c) of APCS (CC&A) Rules, 1991, without prejudice to the disciplinary proceedings pending against him, vide reference 8th read above.

5. In the reference 9th read above, the Chief Engineer, Panchayat Raj, QA&QC and Inquiry Authority has furnished inquiry report and held that the charges framed against the Charged Officer i.e., Sri P.V. Subba Rao, Divisional Accounts Officer Grade-II, formerly at O/o. the EE,PR, Markapur is not held proved, among others. Government vide reference 10th read above have communicated a copy of the inquiry report to Charged officer as per Rule 21 (2) of APCS (CC&A) Rules, 1991 for his representation if any on the findings of Inquiry Authority to Government for taking further action, among others.

6. In the reference 11th read above, the Engineer-in-Chief, Panchayat Raj, among others has furnished the representation dt: 15.03.2024 of the Charged Officer Sri P.V. Subba Rao, the then Divisional Accounts Officer (W) Grade-II, O/o. EE, PRI Division, Markapur and presently working at NTR TGR Division, Srikalahasti to Government for taking further action, wherein the charged officer has stated that he was under suspension with effect from 19.06.2022 to 11.01.2023 in the case and the Inquiry Authority has held that charge not held proved against him. He has requested to consider the findings of Inquiry Officer and to drop the charges framed against him and also to regularize the above suspension period as duty.

7. In this regard, Government have filed Writ Appeal No.121 of 2023 against the orders of A.P. High Court in WP No.1717 of 2022. Further Review Petition No. 250 of 2023 has also been filed against the orders of A.P. High Court, dt:29.11.2022 in review petition IA 1 of 2022 (wherein the first review IA was dismissed by Hon'ble A.P. High Court earlier).

8. In the reference 12th read above, the Hon'ble Division Bench of High Court of AP delivered common judgment dt: 13.10.2023 in Writ Appeal No. 724/2021 and Batch of Writ Appeals filed by Government and directed under Para No.5 of the Judgment among others that "the Government would be at liberty to conduct an enquiry after affording to the petitioners an opportunity of being heard with regard to the works executed by them within the period from 01.10.2018 to 31.05.2019 and the enquiries, if initiated, would be completed within four months" and under Para No. 6 therein held that the common judgment and order impugned shall stand modified accordingly and accordingly disposed the Writ Appeals". The Writ Appeal No.250 of 2023 and Writ Appeal Nos. 121 of 2023 have been covered in the above common judgment therein. The CC No. 942 of 2022 is pending in the Hon'ble High Court.

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9. Government have examined the matter and observe that the orders of Hon'ble High Court of AP under Para No.8 above are relating to conduct further enquiry into the works executed by the writ petitioner and other writ petitioners. In the present inquiry report dt: 13.12.2023, the charges framed against the Charged Officer Sri P.V.Subba Rao, Divisional Accounts Officer Grade-II and 2 other Charged Officers are not held proved. As such Government have decided to conclude the disciplinary proceedings against the charged officer based on the findings in the Inquiry Report.

10. Accordingly, Government after careful examination of the matter, hereby drop further action against Sri P.V. Subba Rao, the then Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, PRI Division, Markapur and presently working at NTR TGR Division, Srikalahasti in the matter. The suspension period undergone by the individual in the disciplinary case w.e.f 19.06.2022 to 11.01.2023 also regularized as duty under FR 54 (B)(3).

11. The Director of Works Accounts, A.P, Vijayawada is requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director of Works Accounts, A.P., Ibrahimpatnam, Vijayawada.
Sri P.V. Subba Rao, the then Divisional Accounts Officer (W) Grade-II, O/o. Executive Engineer, PRI Division, Markapur and presently working at NTR TGR Division, Srikalahasti
(**through** the Director of Works Accounts, A.P, Vijayawada, Vijayawada, with a request to serve the order on the individual and furnish dated acknowledgment)
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.

Copy to:
The Finance (Works & Accounts) Department.
The P.R.& R.D (Estt. I) Department.
PS to Prl. Secretary to Government, PR&RD. Department (FAC)
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER